

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

FILED
12/6/2018 2:04 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2018CH15180

LUCY PARSONS LABS and)	
JAKE ADER,)	
)	
Plaintiffs,)	
)	2018CH15180
v.)	
)	
CHICAGO POLICE DEPARTMENT,)	
)	
Defendant.)	

COMPLAINT

NOW COME Plaintiffs, LUCY PARSONS LABS and JAKE ADER, by their undersigned attorneys, LOEVY & LOEVY, and bring this suit to overturn Defendant CHICAGO POLICE DEPARTMENT's refusal, in willful violation of the Illinois Freedom of Information Act, to respond to Plaintiffs' Freedom of Information Act request for records related to AbolishICE, OccupyICE, DeportICE, and Keep Families Together. In support of their Complaint, Plaintiffs state as follows:

INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act ("FOIA"). 5 ILCS 140/1.

2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of

government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. All public records of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. 5 ILCS 140/3.

4. Under FOIA Section 11(h), "except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way."

PARTIES

5. Plaintiffs LUCY PARSONS LABS and JAKE ADER are the FOIA requesters in this case.

6. Defendant CHICAGO POLICE DEPARTMENT ("CPD") is a public body located in Cook County, Illinois.

JULY 3, 2018 FOIA REQUEST

7. On July 3, 2018, Plaintiffs requested under FOIA "[a]ny E-mail Messages, Information Bulletins, and/or District Intelligence Bulletin (DIBS) disseminated by the Crime Prevention Information Center (CPIC) mentioning the following groups and campaigns: AbolishICE or #AbolishICE, OccupyICE or #OccupyICE, OccupyICE Chicago or #OccupyICEChicago, DeportICE or #DeportICE, Keep Families Together or #KeepFamiliesTogether. A true and correct copy of the request is attached as Exhibit A.

8. On July 11, 2018, CPD took a 5-day extension. A true and correct copy of the extension letter is attached as Exhibit B.

9. On July 18, 2018, CPD denied the request, claiming an exemption under FOIA

Section 140/3(g) because the processing of such a request would be unduly burdensome. A true and correct copy of the denial letter is attached as Exhibit C.

10. On August 2, 2018, Plaintiffs narrowed their request to any "e-mail messages or internal documents disseminated by the Crime Prevention Information Center (CPIC) from July 1st, 2018 to August 1st, 2018" that mention the same 5 groups or campaigns. A true and correct copy of the narrowed request is attached as Exhibit D.

11. After receiving no response, Plaintiffs sent an e-mail to CPD on August 13, 2018 to verify receipt of the narrowed request. A true a correct copy of the e-mail is attached as Exhibit E.

12. On August 14, 2018, CPD responded, advising that the revised request was in progress. See Exhibit E.

13. When there was no further response in the next two weeks, Plaintiffs sent another message asking for the status of the request. A true and correct copy of the message is attached as Exhibit F.

14. On September 19, 2018, CPD stated that the email search was complete and asked Plaintiffs if they needed the attachments or if it would accept the emails without attachments. A true and correct copy of the message is attached as Exhibit G.

15. Plaintiffs promptly responded on September 20, 2018, advising that they would prefer the emails with the attachments. A true and correct copy of the message is attached as Exhibit H.

16. After receiving no response, Plaintiffs again sent a message to ask for an update on the request on October 3, 2018. A true and correct copy of the message is attached as Exhibit H.

17. As of the date of filing CPD has not responded further to Plaintiffs and has not produced any records in response to the FOIA request

COUNT I – JULY 3, 2018 FAILURE TO PRODUCE RECORDS

18. The above paragraphs are incorporated by reference.

19. CPD is a public body under FOIA.

20. The records sought in Plaintiffs' FOIA request are non-exempt public records of CPD.

21. CPD violated FOIA by failing to produce the records responsive to the FOIA request by the required deadline.

COUNT II – JULY 3, 2018 WILLFUL AND INTENTIONAL VIOLATION OF FOIA

22. The above paragraphs are incorporated by reference.

23. CPD is a public body under FOIA.

24. The records sought in Plaintiffs' FOIA request are non-exempt public records of CPD.

25. CPD willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, Plaintiffs ask that the Court:

- i. in accordance with FOIA Section 11(f), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- ii. declare that CPD has violated FOIA;
- iii. order CPD to produce the requested records;

- iv. enjoin CPD from withholding non-exempt public records under FOIA;
- v. order CPD to pay civil penalties;
- vi. award Plaintiff reasonable attorneys' fees and costs;
- vii. award such other relief the Court considers appropriate.

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorneys for Plaintiff
LUCY PARSONS LABS

Matthew Topic
Joshua Burday
Merrick Wayne
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
312-243-5900
foia@loevy.com
Atty. No. 41295

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

Any E-mail Messages, Information Bulletins, and/or District Intelligence Bulletin (DIBS) disseminated by the Crime Prevention Information Center (CPIC) mentioning the following groups and campaigns:

AbolishICE or #AbolishICE
OccupyICE or #OccupyICE
OccupyICE Chicago or #OccupyICEChicago
DeportICE or #DeportICE
Keep Families Together or #KeepFamiliesTogether

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

J Ader

Exhibit A

FILED DATE: 12/6/2018 2:04 PM 2018CH15180



Rahm Emanuel
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

July 11, 2018

Sent via email to 57274-92746746@requests.muckrock.com

J. Ader
Muckrock.com

Re: NOTICE OF RESPONSE TO FOIA REQUEST
REQUEST DATE: July 3, 2018
FOIA FILE NO.: P452725

Dear J. Ader,

This notice is in response to your request received by the Chicago Police Department for records and information under the Freedom of Information Act (FOIA), 5 ILCS 140 et seq. Upon review by the undersigned, it was determined that you are seeking:

"Any E-mail Messages, Information Bulletins, and/or District Intelligence Bulletin (DIBS) disseminated by the Crime Prevention Information Center (CPIC) mentioning the following groups and campaigns:

- AbolishICE or #AbolishICE
- OccupyICE or #OccupyICE
- OccupyICE Chicago or #OccupyICEChicago
- DeportICE or #DeportICE
- Keep Families Together or #KeepFamiliesTogether."

Under the Illinois Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days for a limited number of reasons. 5 ILCS 140/3(e). We are extending the time to respond to your request by 5 business days, of the due date of this letter for the following reason(s):

- () the requested records are stored in whole or in part at other locations than the office having charge of the requested records;
- () the request may require the collection of a substantial number of specified records, if any exist;
- () the request is couched in categorical terms and may require an extensive search for the records responsive to it;
- () the requested records have not been located in the course of routine search and additional efforts are being made to locate them, if any exist;
- (X) the requested records, if any exist, may require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of the Freedom of Information Act or should be revealed only with appropriate deletions;
- () the request for records cannot be complied with by the public body within the limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the public body;

Exhibit B

- (X) there is need for consultation, which shall be concluded with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

If our office can be of further assistance, you may contact us by mail, phone, or email at the following:

Chicago Police Department
Attn: Freedom of Information Act Unit 114
Office of Legal Affairs
3510 S. Michigan Ave.
Chicago, IL 60653
(312) 745-5308
foia@chicagopolice.org

Sincerely,

H. McGettrick

H. McGettrick, FOIA Officer
Freedom of Information Section
Chicago Police Department
Legal Affairs



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

18 July 2017

J Ader
57274-92746746@requests.muckrock.com

Re: **NOTICE OF RESPONSE TO FOIA REQUEST**
FOIA FILE NO.: P452725

Dear Mr. Ader,

This notice is in response to your request received by the Chicago Police Department on 12 September 2017 for records and information under the Freedom of Information Act (FOIA), 5 ILCS 140 *et seq.* Upon review by the undersigned, it was determined that you are seeking:

"Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

Any E-mail Messages, Information Bulletins, and/or District Intelligence Bulletin (DIBS) disseminated by the Crime Prevention Information Center (CPIC) mentioning the following groups and campaigns:

- *AbolishICE or #AbolishICE*
- *OccupyICE or #OccupyICE*
- *OccupyICE Chicago or #OccupyICEChicago*
- *DeportICE or #DeportICE*
- *Keep Families Together or #KeepFamiliesTogether"*

Given the scope of your request, processing such a request would be unduly burdensome as written. FOIA provides in 5 ILCS 140/3(g) that requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.

First, your request provides no timeframe. Without a specific timeframe to define the limits of a search, we can only assume that your request encompasses all emails ever sent or received by any member of this department, as well as all Information Bulletins and District Intelligence Bulletins. Given the long history of email use at CPD, as well as the substantial number bulletins issues by this department, the sheer scope of your request on these terms alone would constitute many thousands of emails and bulletins. CPD would be required to review each of these many thousands of records to redact exempt information.

The scope of the records in question and the absence of a defined timeframe all contribute substantially to the number of records that would need to be reviewed in order to determine the extent of documentation

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within city limits) 3-1-1 · Non Emergency and TTY: (outside city limits) (312) 746-6000

E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police

Exhibit C

responsive to your request. Given the extraordinary number of records that might be responsive to this request, CPD has determined that compliance with your request is unduly burdensome and that CPD's burden to process your request outweighs the public's interest.

Further, CPD's bulletins are not routinely maintained in a central repository. As such, each bulletin would require manual review in order to determine the extent to which records responsive to a request exist. Given the number of bulletins issued by this department, the fact that they are not stored centrally, and the fact that they would require manual review in order to identify records responsive to any request, your request for CPD's bulletins also represents an undue burden on the operations of this department.

At this time your request *as currently written* has been interpreted as unduly burdensome. Pursuant to section 3(g) of FOIA, we would like to extend to you an opportunity to modify your request to make it more manageable. Unless and until a new FOIA request is submitted that specifies what records you are seeking, CPD will be unable to process your petition. CPD encourages you to review your request to ascertain the details of your query, such as relevant dates, parties, search terms, and types of records. Once this is determined, a new FOIA request can be submitted to CPD, specifying the records you would like CPD to provide.

If you require additional assistance, feel free to contact this office.

You have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. Second St., Springfield, IL 62706, (877)299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in the Cook County Circuit Court.

Sincerely,

Landon Karr
Freedom of Information Act Officer

City of Chicago Department of Police
Office of Legal Affairs-FOIA Unit
3510 South Michigan, Fourth Floor
Chicago, Illinois 60653
(312) 745-5308
foia@chicagopolice.org

Subject: RE: Illinois Freedom of Information Act. Request #P452725

[Email](#)

Hi Landon,

Based on the response and unduly burdensome nature of the original request here(FOIA request #P452725), I would like to amend my request to the following:

Any E-mail Messages or internal documents disseminated by the Crime Prevention Information Center (CPIC) from July 1st, 2018 to August 1st, 2018 mentioning the following groups and campaigns:

AbolishICE or #AbolishICE

OccupyICE or #OccupyICE

OccupyICE Chicago or #OccupyICEChicago

DeportICE or #DeportICE

Keep Families Together or #KeepFamiliesTogether

Please let me know if this will suffice?

Thanks,
J. Ader

Exhibit D

FILED DATE: 12/6/2018 2:04 PM 2018CH15180

From: J Ader

08/13/2018

Subject: RE: Illinois Freedom of Information Act. Request #P452725

Email

Hi Mr. Karr,

I just wanted to verify that you have been in receipt of the amendment I have made to my original request, which I had updated and sent on August 2nd, 2018.

Please let me know if you need anything else from my end.

Sincerely,
J. Ader

From: Chicago Police Department

08/14/2018

Subject: Re: Illinois Freedom of Information Act. Request #P452725

Email

Apologies--I've been out of the office for a while. For future reference, its always better to follow up to foia@chicagopolice.org for more consistent service.

In any case, I have your revised request and it is in progress.

Exhibit E

L-

FILED DATE 8/26/2018 2:04 PM 20180815180

From: J Ader

08/29/2018

Subject: RE: Illinois Freedom of Information Act. Request #P452725

Email

Hi,

I would like to follow up on my amended FOIA request #P452725:

"Any E-mail Messages or internal documents disseminated by the Crime Prevention Information Center (CPIC) from July 1st, 2018 to August 1st, 2018 mentioning the following groups and campaigns:

AbolishICE or #AbolishICE
OccupyICE or #OccupyICE
OccupyICE Chicago or #OccupyICEChicago
DeportICE or #DeportICE
Keep Families Together or #KeepFamiliesTogether"

Mr. Karr had said this revised request was in progress.

Thanks,
-J. Ader

Exhibit F

FILED DATE: 12/6/2018 2:04 PM 2018CH15180

Subject: Re: Illinois Freedom of Information Act. Request #P452725

Email

Hello J. Ader,

I've received the email search results responsive to your request. Most of the attachments are more than 200 pages each that consist of a dozen-or-so pages of exempt material and around 200 pages of news clippings each. I counted around 2,970 total pages. Please advise if you need the attachments or if you will accept the emails without attachments.

Thank you,

A. Marlan

CPD FOIA Officer

Exhibit G

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering that message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this document is strictly prohibited.

FILED DATE: 12/6/2018 2:04 PM 2018CH15180

From: J Ader

09/20/2018

Subject: RE: Illinois Freedom of Information Act. Request #P452725

Email

Hi Mr. Marlan,

Thanks for your response. I would like the emails with the attachments please. Let me know if anything else is needed from my end.

J. Ader

From: J Ader

10/03/2018

Subject: RE: Illinois Freedom of Information Act. Request #P452725

Email

Hi,

would like to have an update on the latest parts of this request, when you have the chance. Again, I would like the emails with the attachments please. Let me know if anything else is needed from my end.

- J. Ader

Exhibit H

FILED DATE: 12/6/2018 2:04 PM 2018CH15180